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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/537,163	05/31/2005	Daniel Andrew Mavro-Michaelis	7347.0713.001	1431

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BRIAN L. RIBANDO
REISING, ETHINGTON, BARNES, KISSELLE, P.C.
P. O. BOX 4390
TROY, MI 48099

EXAMINER

ACKUN, JACOB K

ART UNIT	PAPER NUMBER
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3723

DATE MAILED: 06/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/537,163

Applicant(s)

MAVRO-MICHAELIS, DANIEL
ANDREW

Examiner

Jacob K. Ackun Jr.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 6-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 6-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 21 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is not clear how the bracketing is intended to further limit the claim. In this office action the claim is examined as if the brackets were absent.

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 13-14, 20 and 22-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lambert Jr et al. in view of Sigg (as set forth in the first office action). Note the comments of the prior examiner in the last office action and those herein responding to the remarks/response of the applicant.

5. Claims 6-20 and 22-24 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Leitch et al (4,570,389). Leitch is directed to a method of maintaining constant wheel sharpness that includes monitoring the wear of a grinding wheel in use as claimed. Note Figs 1-3 for example only, and the description of the same in the specification. Leitch expressly teaches measuring normal force, steady state horsepower or other process parameters to measure changes in wheel sharpness. The motor torque is considered by the examiner to be one such known process parameter. Alternatively the relationship of horsepower to torque is well known in the art, such that knowledge of one would

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allow an easy determination of the other mathematically (and measurement of one can therefore be considered indirect measurement of the other). Accordingly, it would have at least been obvious in view of the above teachings in Leitch, to measure torque in the practice of the Leitch invention, even if torque per se is not considered to be measured in the reference. Finally the limitation in the claims exemplified by the recitation on lines 10-12 of claim 20 does not appear to be the invention of the applicant.

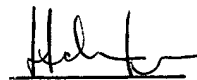
While it is believed that the warning signal of the instant claims is disclosed in Leitch (note for example only claim 1 subpart (f), it would have been obvious to generate the claimed warning signal, in order to properly adjust the operating parameter in Leitch.

6. Applicant's arguments filed on 03/20/06 have been fully considered but they are not persuasive. The applicant's argument with regard to the applied Lambert reference is not that it does not teach measuring grinding forces including forces as claimed. Rather the applicant argues that Lambert relies on a separate force sensor to measure the relevant force. The problem with this argument as it relates to the outstanding rejection over Lambert is that at least the claims do not recite this feature. For example only, all that independent claim 20 requires as far as the force measurement is concerned is "measuring the force exerted by a wheel feed drive..." (Note claim 20 line 3). This appears to be precisely the force measured by the force sensor in Lambert. Additionally the elimination of the force measurement sensor as argued by applicant appears to be conventional as can be seen from the newly applied reference to Leitch et al., and other related art of record.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jacob K. Ackun Jr. whose telephone number is (571)272-4418. The examiner can normally be reached on Monday through Friday 8.30AM-5.00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Hail can be reached on (571)272-4485. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Jacob K. Ackun Jr.
Primary Examiner
Art Unit 3723

J.A.